STATE OF VERMONT

HUMAN SERVICES BOARD

In re   )   Fair Hearing No. 9935
)
Appeal of   )

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his Food Stamps. The issue is whether the Department properly calculated the petitioner's shelter expenses in determining the amount of his food stamps.

FINDINGS OF FACT

The facts are not in dispute. The petitioner recently moved from an apartment for which he paid $320.00 per month rent plus heat, into a subsidized housing unit. The regular (unsubsidized) rent on the petitioner's new apartment is $375.00 (utilities included), however, due to the petitioner's housing subsidy, he pays only $133.00 a month rent (based on his income).[1] As a result in this change in living expenses the Department lowered the petitioner's food stamps from $70.00 a month to $10.00 a month.

The petitioner disagrees with the policy that, in effect, offsets the benefits of one program (the decrease in his rent) with a penalty in another (a decrease in his food stamps). The Department maintains that the method of its computations is required by federal and state regulations.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual ∋ 273.9(d)(5)(i) provides, in part, that "shelter costs shall include <u>only</u> the following: . . . continuing <u>charges</u> for the shelter occupied by the household". Although the petitioner's arguments are well taken, the regulations clearly provide that it is the amount of rent <u>paid</u> that determines the amount of the shelter deduction for food stamps. There is no special provision in the regulations for subsidized rents.

Inasmuch as the Department's decision is in accord with the regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. ∋ 3091(d); Food Stamp Fair Hearing Rule No. 17.

FOOTNOTES

[1]The housing authority does not count food stamps as income in determining the amount of the petitioner's housing subsidy.

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